

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

FILED

JAN 24 1985

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07101
Tel. No. (201) 648-3070

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF:

Mario Cervino, D.C.
License No. MC03875

Administrative Action

LICENSED TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the State Board of Chiropractic Examiners ("Board") upon receipt of information that Mario Cervino, D.C. (hereinafter "Respondent") caused to be published two advertisements entitled "The Unsuspected Trauma at Birth" and "DARE to keep your kids off Drugs...Which Drugs?" which allegedly contained false, misleading or deceptive information. Copies of the advertisements are attached to this order.

Upon review of the subject advertisements, the Board finds the said advertisements to be substantially fraudulent and misleading in violation of N.J.S.A. 45:1-21(b) and (h) and N.J.A.C. 13:44-2.1(c)1, 4, and 6.

It appearing that the parties wish to resolve this matter without recourse to formal proceedings and for good case shown;

IT IS ON THIS 24th DAY OF January, 1995
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist from publishing or causing to be published any advertisement which:

(a) implies a correlation between prevention of SIDS (sudden infant death syndrome or crib death) and chiropractic care of vertebral subluxation;

(b) implies that chiropractic care can prevent SIDS;

(c) by words or illustrations uses "scare tactics" to solicit patients for chiropractic care by focusing on "trauma at birth," "decapitation," "cervical injury during childbirth," "spinal trauma," and similar verbal tactics;

(d) by words or illustrations uses "scare tactics" to suggest an identification between accepted prescription medications for illness and abuse of illegally used drugs; and

(e) uses the terms "DARE" to suggest an endorsement by the group "DARE" of the views set forth in an ad; and

2. Respondent shall, contemporaneously with the entry of this Order, pay a penalty to the Board in the amount of five hundred (\$500) dollars by certified check or money order.

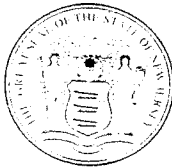
NEW JERSEY STATE BOARD
OF CHIROPRACTIC EXAMINERS

By: _____

Robert Tarantino, D.C.
President

I have read the within Consent Order and understand its terms. I hereby consent to the form and entry of this Consent Order.

Mario Cervino, D.C.



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

124 HALSEY STREET

P.O. BOX 45029

NEWARK, NEW JERSEY 07101

(201) 648-3070

DEBORAH T. PORITZ
ATTORNEY GENERAL

JAYNEE LAVECCHIA
ASSISTANT ATTORNEY GENERAL
DIRECTOR

CHRISTINE TODD WHITMAN
Governor

December 5, 1994

Mario Cervino, D.C.
155 Park Avenue, Suite 208
Lyndhurst, New Jersey 07071-0149

Re: Advertisement Penalty

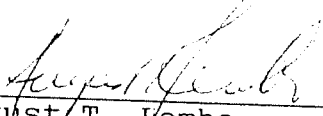
Dear Dr. Cervino:

Receipt is acknowledged of your letter conveying a check in the amount of \$500.00 to the New Jersey State Board of Chiropractic Examiners. However, the Consent Order was not signed on page 2. In order to finalize the matter, the entry of this Consent Order is required. Accordingly, the Board will hold your check in escrow until December 14, 1994. If the Consent Order is not returned to the Board with your signature by that date, your check will be returned to you, and the formal complaint will be filed as set forth in my previous letter.

Very truly yours,

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By:


August T. Lembo
Deputy Attorney General

The Unsuspected Trauma at Birth

Facts:

60-90 lbs of force is applied in a Normal Forceps delivery ...120 lbs of force can result in decapitation.*

Research documents spinal cord injury in seven out of eight crib deaths (SIDS).*

Cervical injury during childbirth is the apparent cause of nearly one out of three stillbirths.*

Children born in Australia are routinely checked immediately for spinal trauma at birth by a chiropractor.



Chiropractors are trained to detect and correct spinal problems due to trauma at birth.

Arpad DeNagy M.D., P.H.D. stresses the importance of chiropractic care from birth so an individual may more fully realize his or her potential.**

Have your child's spine checked today!

* Abraham Towbin, M.D., Harvard Medical School

** Arpad DeNagy M.D., P.H.D., specialist in neurophysiology and endocrinology and member of five Nobel Prize winning teams.

Call us for information on how we can help.

Essex

Mison Family Chiropractic Ctr.
133 S. Livingston Avenue
Livingston, NJ 07039
201-994-0033

Passaic/Morris

Stewart Family Chiropractic
43 Newark Pompton Pike
Riverside, NJ 07457
201-835-5773

Dubin Chiropractic Center
29-15 Fair Lawn Ave.
Fair Lawn, NJ 07410
201-794-6200

Fenelle Chiropractic Ctr.
186 W. Passaic St.
Rochelle Park, NJ 07662
201-843-4140

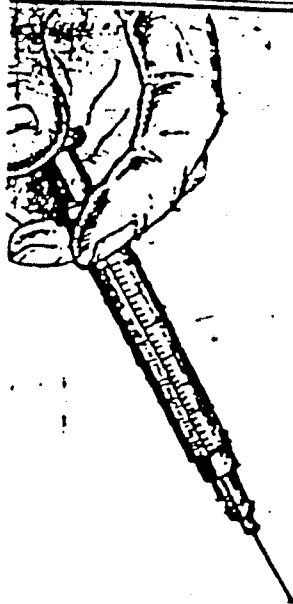
Bergen

Cervino Family Chiropractic Ctr.
165 Park Ave., Suite 208
Lynchhurst, NJ 07071
201-939-3330

Richard Finder D.O.
850 Abbott Blvd
Fort Lee, NJ 07024
201-224-2552

Union

Eric Whitehouse D.C.
649 Central Ave.
Westfield, NJ 07090
908-654-0500



DARE

to keep your kids off

Drugs...

Which Drugs?

Dear Doctor,

When my son Brandon was seven years old he was diagnosed with Attention Deficit Hyperactivity Disorder. He was prescribed 5mg of Ritalin twice daily to help him settle down and not be distracted in school. I gave him the medication, although I was very much against it because of the drug's side effects. Ritalin made Brandon very emotional. When I learned chiropractic care could possibly help my son without drugs or side effects, I decided to give chiropractic a try. Now Brandon is ten years old and has been off Ritalin since November 1992. He is doing just fine. In fact, he has been on the B+ honor roll twice since being off Ritalin.

Another wonderful benefit received from chiropractic care was the improvement of Brandon's upper respiratory problems. The chiropractic adjustments have helped this problem a great deal. I have noticed my son doesn't need to blow his nose all the time. Overall, I am very pleased with the progress I have seen in my son since he has begun to receive chiropractic care.

Thanks, Chiropractic!

B.H.

Chiropractic has *always* said no to drugs.

* Note all conditions may not be amenable to chiropractic care.

For information on how we can help, call

Janisox Essex

Anderson Family Chiropractic Ctr.
133 S. Livingston Ave.
Livingston, NJ 07039
201-994-0033

Steadman Passaic/Morris

East Family Chiropractic Ctr.
43 Newark Pompton Tpke.
Riverdale, NJ 07457
201-835-5773

Bergen

Dubin Chiropractic Center
29-15 Fair Lawn Ave.
Fair Lawn, NJ 07410
201-794-6260

Alfred Fenelle D.C.
186 W. Passaic St.
Rochelle Park, NJ 07662
201-843-4140

Cervino Family Chiropractic Ctr.
155 Park Ave., Suite 208
Lyndhurst, NJ 07071
201-935-6838

Richard Flinder D.C.
810 Abbott Blvd
Fort Lee, NJ 07024
201-224-2552

Union

Erk Whitehouse
649 Central Ave.
Westfield, NJ 07091
908-654-0500

PERSONAL
MONEY ORDER

THE BANK OF NEW YORK^{NA}

NATIONAL COMMUNITY DIVISION

0000487

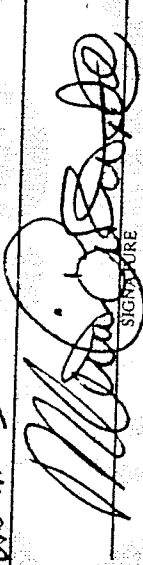
WEST PATERSON, N.J. 11/22/94 55-271
212

PAY ***500 DOLLARS AND 00 CENTS \$500.00

FOR

TO THE ORDER OF New Jersey Board of Chiropractic Examiners

NOT VALID OVER \$1000.


SIGNATURE

211006

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